

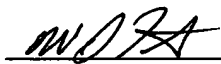


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Martin Debreczeny, et al.	§	Group Art Unit: 3736
	§	
Serial No.: 10/797,475	§	
	§	
Filed: March 9, 2004	§	Examiner: Unassigned
	§	
For: PULSE OXIMETRY MOTION	§	Atty. Docket: TYHC:0147 / FLE
ARTIFACT REJECTION USING	§	P0397R
NEAR INFRARED ABSORPTION	§	
BY WATER	§	

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Commissioner for Patents
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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendments, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
January 20, 2006	
Date	Michael G. Fletcher

Sir:

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. §§ 1.97(b) AND 1.98

In compliance with the duty of disclosure under 37 C.F.R. § 1.56(a), it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. § 1.98(a), copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. § 1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b), or as a representation that no other possibly material information, as defined in 37 C.F.R. § 1.56(b), exists.

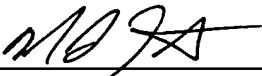
Furthermore, the references listed on the attached PTO/SB/08 Forms are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. § 1.98(a)(3).

Applicants believe this Information Disclosure Statement is properly filed in accordance with 37 C.F.R. § 1.97(b). Consequently, no fee is believed due with this Information Disclosure Statement. However, the Commissioner is authorized to charge any requisite fee for this Information Disclosure Statement, and any additional fee which may be required, to Deposit Account No. 06-1315; Order No. TYHC:1047/FLE (P0397R).

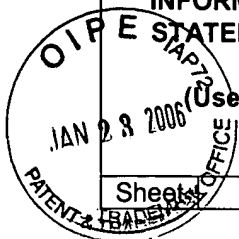
Respectfully submitted,

Date: January 20, 2006



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Substitute for form 1449/PTO
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(Use as many sheets as
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Sheet 1 of 17

Complete if Known

Application Number	10/797,475
Filing Date	March 9, 2004
First Named Inventor	Martin Debreczeny
Art Unit	3736
Examiner Name	Unassigned
Attorney Docket Number	TYHC:0147 (P0397R)

U.S. PATENT DOCUMENTS

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	A1	US-	3,998,550	12-21-1976	Konishi et al.	
	A2	US-	4,066,068	01-03-1978	Nilsson et al.	
	A3	US-	4,364,008	12-14-1982	Jacques	
	A4	US-	4,711,244	12-08-1987	Kuzara	
	A5	US-	4,723,554	02-09-1988	Oman et al.	
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	A8	US-	4,860,753	08-29-1989	Amerena	
	A9	US-	4,883,055	11-29-1989	Merrick	
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	A15	US-	5,224,478 A	07-06-1993	Sakai et al.	
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	A19	US-	5,337,745 A	08-16-1994	Benaron	

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	B1	JP 4-40940	02-12-1992	Kenji		
	B2	JP 5-329163	12-14-1993	Mitsuo et al.		
	B3	FR 2710517	04-07-1995	Alain et al.		
	B4	WO 98/34097	08-06-1998	Kohl et al.		
	B5	JP 11-244266	09-14-1999	Shimizu		
	B6	WO 00/32262 A1	06-08-2000	Waldeck		

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				Application Number		10/797,475	
				Filing Date		March 9, 2004	
				First Named Inventor		Martin Debreczeny	
				Art Unit		3736	
Examiner Name		Unassigned					
Sheet	2	of	17	Attorney Docket Number		TYHC:0147 (P0397R)	

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		Number-Kind Code ² (if known)				
	A20	US-	5,337,937	08-16-1994	Blank et al.	
	A21	US-	5,348,004 A	09-20-1994	Hollub	
	A22	US-	5,355,880 A	10-19-1994	Thomas et al.	
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	A26	US-	5,701,902 A	12-30-1997	Vari et al.	
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	A29	US-	5,747,789 A	05-05-1998	Godik	
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	B7	EP 1135184 A1	06-08-2000	Waldeck		
	B8	DE 19855521 A1	06-08-2000	Waldeck		
	B9	CA 2353007 A1 -	06-08-2000	Waldeck		
	B10	WO 00/71025 A1	11-30-2000	Holger et al.		
	B11	WO 01/16577 A1	03-08-2001	Scecina et al.		
	B12	WO 93/13706 A2	01-23-2001	Schmitt		

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				Application Number	10/797,475	
				Filing Date	March 9, 2004	
				First Named Inventor	Martin Debreczeny	
				Art Unit	3736	
Examiner Name	Unassigned					
Sheet	3	of	17	Attorney Docket Number	TYHC:0147 (P0397R)	

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	A38	US-	6,064,898 A	05-16-2000	Aldrich	
	A39	US-	6,125,297	09-26-2000	Siconolfi	
	A40	US-	6,149,591 A	11-21-2000	Henderson et al.	
	A41	US-	6,178,342 B1	01-23-2001	Thompson et al.	
	A42	US-	6,222,189 B1	04-24-2001	Misner et al.	
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	A44	US-	6,280,396	08-28-2001	Clark et al.	
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	A51	US-	6,466,807 B1	10-15-2002	Dobson et al.	
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	A55	US-	6,592,574	07-15-2003	Shimmick et al.	
	A56	US-	6,600,946	07-29-2003	Rice	

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	B13	EP 1184663 A2	03-06-2002	Woo et al.		
	B14					
	B15					
	B16					
	B17					
	B18					

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				Art Unit	3736	
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	A57	US- 6,606,509	08-12-2003	Schmitt	
	A58	US- 6,615,064 B1	09-02-2003	Aldrich	
	A59	US- 6,635,491	10-21-2003	Khalil et al.	
	A60	US- 6,636,759	10-21-2003	Robinson	
	A61	US- 6,643,543	11-04-2003	Takehara et al.	
	A62	US- 6,654,620	11-25-2003	Wu et al.	
	A63	US- 6,668,181	12-23-2003	Wenzel et al.	
	A64	US- 6,675,029 B2	01-06-2004	Monfre et al.	
	A65	US- 6,687,519	02-03-2004	Steuer et al.	
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	A68	US- 6,849,046	02-01-2005	Eyal-Bickels	
	A69	US- 6,950,699	09-27-2005	Manwaring et al.	
	A70	US-			
	A71	US-			
	A72	US-			
	A73	US-			
	A74	US-			
	A75	US-			

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Sheet	5	of	17	Attorney Docket Number	TYHC:0147 (P0397R)

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	C1	Wheeler, Owen H., "Near Infrared Spectra of Organic Compounds," Department of Chemistry, College of Agriculture and Mechanic Arts, University of Puerto Rico (March 1929)	
	C2	Pace, Nello, et al., "Studies on Body Composition: III. The body water and chemically combined nitrogen content in relation to fat content," Naval Medical Research Institute, Bethesda, Maryland (January 11, 1945)	
	C3	Mitchell, H. M., et al., "The Chemical Composition of the Adult Human Body and Its bearing on the Biochemistry of Growth), Division of Animal Nutrition, Departments of Physiology and Animal Husbandry, University of Illinois, pp. 625-637 (February 1945)	
	C4	Schloerb, Paul R., et al., "The Measurement of Total Body Water in the Human Subject by Deuterium Oxide Dilution," <i>Surgical Research Laboratories of the Peter Bent Brigham Hospital, and the Department of Surgery and the Biophysical Laboratory of the Harvard Medical School</i> , pp. 1296-1310 (March 20, 1950)	
	C5	Forbes, R.M., et al., "The Composition of the Adult Human Body as Determined by Chemical Analysis," Division of Animal Nutrition, and the Department of Anatomy, University of Illinois, January 19, 1953	
	C6	Buijs, K., et al., "Near-Infrared Studies of the Structure of Water. I. Pure Water," <i>The Journal of Chemical Physics</i> , Vol. 39, No. 8, pp. 2035-2041 (October 15, 1963)	
	C7	Choppin, G.R., et al., "Near-Infrared Studies of the Structure of Water. II. Ionic Soluation," <i>The Journal of Chemical Physics</i> , Vol. 39, No. 8, pp. 2042-2050 (October 15, 1963)	
	C8	Goldstein, R., et al., "The Near-Infrared Absorption of Liquid Water at Temperatures Between 27 and 209°C," <i>J. Quant. Spectrosc. Radiat. Transfer.</i> , Vol. 4, pp. 441-451 (1964)	
	C9	Ben-Gera, I., et al., "Influence of Fat Concentration on the Absorption Spectrum of Milk in the Near-Infrared Region," <i>Israel J. Agric. Res.</i> , Vo. 18, No. 3, pp. 117-124 (July 1968)	
	C10	Houseman, R.A., et al., "The measurement of total body water in living pigs by deuterium oxide dilution and its relation to body composition," <i>Br. J. Nutr.</i> , Vol. 30, pp. 149-156 (1973)	
	C11	Krikorian, S. Edward, et al., "The identification and origin of N-H overtone and combination bands in the near-infrared spectra of simple primary and secondary amides," <i>Spectrochimica Acta</i> , Vol. 29A, pp. 1233-1246 (1973)	
	C12	Lesser, G.T., et al., "Body water compartments with human aging using fat-free mass as the reference standard," <i>Am J. Physiol Regul Integr Comp Physiol.</i> , Vol. 236, pp. 215-220 (1979)	
	C13	Sheng, Hwai-Ping, et al., "A review of body composition studies with emphasis on total body water and fat," <i>The American Journal of Clinical Nutrition</i> , Vol. 32., pp. 630-647 (March 1979)	
	C14	Martens, H., et al., "Unscrambling Multivariate Data from Mixtures: I: Fat, water and protein determination in meat by near-infrared reflectance spectroscopy, II: soy protein and collagen determination in meat products from amino acid data," <i>Meat Res. Workers, Proc. European Meeting</i> , pp. 146-149 (1980)	

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